

Senate File 48 - Introduced

SENATE FILE 48
BY WILHELM

A BILL FOR

- 1 An Act requiring background checks for school employees.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **279.69 School employees —**
2 **background investigations.**

3 1. Prior to hiring an applicant for a school employee
4 position, a school district shall have access to and shall
5 review the information in the Iowa court information system
6 available to the general public, the sex offender registry
7 information under section 692A.121 available to the general
8 public, the central registry for child abuse information
9 established under section 235A.14, and the central registry for
10 dependent adult abuse information established under section
11 235B.5 for information regarding the applicant. A school
12 district shall follow the same procedure every five years
13 upon the anniversary of a school employee's date of hire. A
14 school district shall pay for the cost of the registry checks
15 conducted pursuant to this subsection. A school district shall
16 maintain documentation demonstrating compliance with this
17 subsection.

18 2. Being listed in the sex offender registry established
19 under chapter 692A, the central registry for child abuse
20 information established under section 235A.14, or the central
21 registry for dependent adult abuse information established
22 under section 235B.5 shall constitute grounds for the immediate
23 suspension from duties of a school employee, pending a
24 termination hearing by the board of directors of a school
25 district. A termination hearing conducted pursuant to this
26 subsection shall be limited to the question of whether the
27 school employee was incorrectly listed in the registry.

28 3. For purposes of this section, "*school employee*" means
29 an individual employed by a school district, including a
30 part-time, substitute, or contract employee. "*School employee*"
31 does not include an individual subject to a background
32 investigation pursuant to section 272.2, subsection 17, section
33 279.13, subsection 1, paragraph "b", or section 321.375,
34 subsection 2.

35 Sec. 2. STATE MANDATE FUNDING SPECIFIED. In accordance

1 with section 25B.2, subsection 3, the state cost of requiring
2 compliance with any state mandate included in this Act shall
3 be paid by a school district from state school foundation aid
4 received by the school district under section 257.16. This
5 specification of the payment of the state cost shall be deemed
6 to meet all of the state funding-related requirements of
7 section 25B.2, subsection 3, and no additional state funding
8 shall be necessary for the full implementation of this Act
9 by and enforcement of this Act against all affected school
10 districts.

11

EXPLANATION

12 This bill requires a school district to review the state sex
13 offender registry, the state central registry for child abuse
14 information, and the state central registry for dependent adult
15 abuse information for information regarding any applicant for
16 a school employee position before an applicant is hired. The
17 bill requires a school district to follow the same procedure
18 every five years upon the anniversary of a school employee's
19 date of hire. The bill requires a school district to pay for
20 the cost of the registry checks conducted pursuant to the bill.
21 The bill requires a school district to document compliance with
22 the bill.

23 The bill establishes listing on the state sex offender
24 registry, the state central registry for child abuse
25 information, or the state central registry for dependent adult
26 abuse information as grounds for which a school employee is to
27 be immediately suspended, pending a termination hearing by the
28 board of directors of a school district. The bill specifies
29 that such a termination hearing is to be limited to the
30 question of whether a school employee was incorrectly listed in
31 one of the registries.

32 The bill defines "school employee" as an individual employed
33 by a school district, including a part-time, substitute, or
34 contract employee. The bill provides that "school employee"
35 does not include an individual subject to a background

1 information check pursuant to Code section 272.2, subsection
2 17, Code section 279.13, subsection 1, paragraph "b", or Code
3 section 321.375, subsection 2.

4 The bill may include a state mandate as defined in Code
5 section 25B.3. The bill requires that the state cost of
6 any state mandate included in the bill be paid by a school
7 district from state school foundation aid received by the
8 school district under Code section 257.16. The specification
9 is deemed to constitute state compliance with any state mandate
10 funding-related requirements of Code section 25B.2. The
11 inclusion of this specification is intended to reinstate the
12 requirement of political subdivisions to comply with any state
13 mandates included in the bill.